

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jan Tomlin,

Plaintiff : Civil Action 2:12-cv-262

v. : Judge Sargus

Ohio Dep't of Rehabilitation & : Magistrate Judge Abel
Corrections,

Defendant :

ORDER

Plaintiff, an inmate in the Ohio corrections system, filed this action on March 26, 2012, stating that he was in danger of serious physical injury from another inmate named Daniel Dobbies. Both prisoners were incarcerated at Trumbull Correctional Institution. Plaintiff requested that the Court issue a preliminary injunction that he be transferred to the Ross Correctional Institution. Subsequently, Defendant filed notice that Plaintiff had been transferred to the Lebanon Correctional Institution.

On April 9, 2012, the Magistrate Judge ordered Plaintiff to show why his request for injunctive relief, and claims set forth in his complaint, were not now moot. Plaintiff made no response. On April 27, 2012, the Magistrate Judge issued an initial screening Report and Recommendation, recommending that Plaintiff's request for injunctive relief be denied and that Plaintiff's complaint be dismissed as

moot. Plaintiff filed no objections to the Report and Recommendation.

In addition to injunctive relief, Plaintiff sought “expungement of my prison institutional record”, \$15,000 in compensatory damages, and \$10,000 in punitive damages. (Doc. 1 at 6.) However, he claimed in his complaint only that Dobbies had threatened to harm him, not that he actually had been harmed. Monetary damages are not available to a prisoner plaintiff for mental or emotional injury without a prior showing of physical injury. *See* 42 U.S.C. §1997e(e). Moreover, Plaintiff's complaint offered no explanation for the relevance of his institutional record to the threat allegedly levied against him by a fellow inmate.

As it appears that Plaintiff has received the injunctive relief he demanded – transfer out of the Trumbull Correctional Institution and away from inmate Daniel Dobbies – this action is now moot. The initial screening Report and Recommendation is **ADOPTED**. Pursuant to 28 U.S.C. §1915A(b)(1) and (2), this action is hereby **DISMISSED WITH PREJUDICE**.

s/ [Signature] 5-24-12
United States District Judge